

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CITIZENS ASSET FINANCE, INC.,

Plaintiff,

-against-

JUSTICE AVIATION, LLC, JAMES C.  
JUSTICE, II and JAMES C. JUSTICE  
COMPANIES, INC.,

Defendants.

Case No. 17-CV-07115(AJN)

ECF CASE

**PLAINTIFF'S NOTICE OF MOTION TO DISMISS COUNTERCLAIM**

**PLEASE TAKE NOTICE THAT**, upon the previously-filed Complaint and the Exhibits thereto, the previously-filed Answer and Counterclaim, the accompanying Memorandum of Law and all other papers herein, Plaintiff Citizens Asset Finance, Inc. will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6), before the Honorable Alison J. Nathan, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 906, New York, NY 10007, at a date and time designated by the Court, for an Order: (1) dismissing the Counterclaim of Defendant Justice Aviation, LLC in its entirety with prejudice on the ground that such Counterclaim fails to state a claim upon which relief may be granted; and (2) granting any further relief that the Court deems necessary and proper.

**PLEASE TAKE FURTHER NOTICE THAT**, pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within fourteen days hereof, and any reply affidavits and memoranda of law shall be served within seven days after service of such answering papers.

[Signature page follows.]

Dated: New York, New York  
December 1, 2017

Respectfully submitted,  
VEDDER PRICE P.C.

By: s/ Daniel C. Green

Daniel C. Green  
dgreen@vedderprice.com  
1633 Broadway, 31st Floor  
New York, New York 10019  
T: +1 212 407 7700  
F: +1 212 407 7799

Douglas J. Lipke  
(admitted *pro hac vice*)  
William W. Thorsness  
(admitted *pro hac vice*)  
222 North LaSalle Street, Suite 2600  
Chicago, Illinois 60601  
T: +1 312 609 7500  
F: +1 312 609 5005

*Attorneys for Plaintiff*  
*Citizens Asset Finance, Inc.*